

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**



POLICY & PROCEDURES	
Department on Disability Services (DDS)	Subject: <i>Alternative Work Schedules Policy</i>
Responsible Program or Office: Department on Disability Services	Policy Number: 2016-DDS-HR-POL001
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Supersedes Policy Dated: 08.01.2008 (Updated to comply with People First Language Policy) and Policy dated January 29, 2015	
Cross References, Related Policies and Procedures, and Related Documents: DDS Hours of Operations Policy	

1. PURPOSE

This purpose of this policy is to permit managers and supervisors to maximize their work group productivity and achieve their program goals by providing work schedule options that best meet the needs of the agency. The AWS also provides opportunities for employees to reduce commuting expenses, and have more flexibility to balance work and family responsibilities, take advantage of educational opportunities, and become involved with community and volunteer activities, etc. Alternate Work Schedules provide opportunities to increase customer service, reduce overtime expenses, and improve employee morale.

2. APPLICABILITY

This policy applies to all DDS employees.

3. AUTHORITY

The authority for this policy for this policy is established in the DDS as set forth in D.C. Law 16-264, the "Department on Disability Services Establishment Act of 2006," effective March 14, 2007 (D.C. Official Code § 7-761.01 et seq.); and D.C. Law 2-137, the "Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978," effective March 3, 1979 (D.C. Official Code §7-1301.01 et seq.).

4. DEFINITIONS

Alternative Work Schedule (AWS): means flexible work schedules, compressed work schedules and telecommuting options.

Alternative Worksite: a worksite other than an employee's "Official Duty Station." Alternative Worksites may include the employee's residence, Telecommuting center, or another location within the employee's normal commuting area. The Alternative Worksite shall (A) be established or approved by the District government for use by employees who Telecommute (Telecommuter or Telecommuters); (B) have connectivity to the Official Duty Station; and (C) have an office setting conducive to accomplishing the employee's official duties. The Alternative Worksite must be approved by the employee's supervisor and Agency Director.

Compressed Work Schedule (CWS): in the case of a full-time employee, an eighty (80)-hour biweekly basic work requirement that is scheduled for less than ten (10) workdays and which may require the employee to work more than eight (8) hours in a day (See D.C. Official Code § 1-501(b)(2006 Repl.)).

Core Hours: the time periods during the workday, workweek, or pay period during which an employee under a flexible work schedule is required to be present for work.

Credit hours: the hours within a flexible work schedule that an employee elects to work in excess of his or her basic work requirement so as to vary the length of a workweek or workday.

Emergency Telework Agreement: A written agreement between an agency and an employee of the agency that details the terms and conditions of the emergency employee's work away from his or her Official Duty Station during an emergency declared by either the Mayor or the employee's Agency Director.

Essential Employees: personnel, who are designated by the Agency Director in advance and in writing (within one day of the designation) as essential to the continuity of medical facilities, public safety, emergency services, or other crucial operations and who must report to work in the event of a declared emergency.

Flex Hours: the time period prior and post the core hours during which an employee under a flexible work schedule can schedule their arrival and departure times.

Flexible Work Schedule (FWS): a work schedule that has an eighty (80)-hour, ten day biweekly basic work requirement that includes the designated core hours and allows the employee to determine his or her own schedule of Flex Hours.

Official Duty Station: the physical location where an employee is required to perform the official duties of his or her position.

Telecommute or Telecommuting and Telework or Teleworking: an arrangement in which an employee regularly, or during a declared emergency, performs officially assigned duties at home or other worksites geographically convenient to the employee's residence and approved in advance and in writing by the supervisor, Human Capital Administrator and the Agency Director.

Telework Agreement: A written agreement between the agency and an employee of the agency, that details the terms and conditions of the employee's telework away from his or her Official Duty Station.

5. POLICY

It is the policy of DDS to establish alternative work schedules, which shall provide for compressed work schedules, flexible work schedules, and telecommuting options. Such determinations shall be made based on operational needs, staffing requirements, service delivery requirements, and the coverage needs of the agency. The policy and procedures will allow employees to work outside of the traditional 8:15 am to 4:45 pm, Monday through Friday tour of duty.

6. RESPONSIBILITY

The responsibility for implementation of this policy is vested in the Director of the Department on Disability Services.

7. STANDARDS AND PROCEDURES

A. General Guidelines for Alternative Work Schedules

1. An employee, who desires to apply for an AWS, must complete a DCSF No. 12-04, Request for Alternative Work Schedule Form and submit it for approval. The form shall be signed by the employee. Approval must be granted by the employee's supervisor, Deputy Director, the Human Capital Administrator and the Agency Director.
2. If an AWS is established and made available to DDS employees in one division it must be offered on an equal basis to all employees within the division providing that those employees are not in a position that has been determined eligible for AWS.
3. Due to the operations of different divisions and administrations, the Agency Director may determine that the work of certain subordinate components of the agency is not conducive to an AWS and may restrict the ability to work AWS to certain components of the agency. The decision of the Agency Director to limit the subordinate components within the agency to AWS is final and cannot be appealed.

4. AWS may be implemented on a trial basis of 90-120 days when there is a question of the appropriateness of the AWS for the particular position or work unit. The Agency Director is responsible for making the determination of whether a particular position or work unit shall be given AWS on a trial basis. Upon completion of the trial period, the Agency Director will determine if the AWS will be extended indefinitely or terminated.
5. Working an AWS is voluntary and optional. Employees will not be required to work an AWS.
6. Overtime and shift differential pay shall not apply to the hours of work that constitute a compressed work schedule or flexible work schedule for an employee.
7. Employees and supervisors must observe all pertinent time and attendance, leave, and pay regulations when an AWS is established. Overtime and compensatory time, or exempt time off, are to be approved in advance using existing procedures. Leave usage will be charged based on the approved AWS.
8. For employees covered by a CBA, any provisions on AWS contained in a collective bargaining agreement (CBA) take precedence over the DDS AWS policy, provisions of the D.C. Personnel Regulations, and DPM, to the extent that there is a difference, and in accordance with applicable laws and regulations.
9. An employee may not combine AWS options (for example: an employee may not participate in a flexible and compressed work schedule or a compressed work schedule cannot be combined with telecommuting). Various AWS options may be offered within a work unit if appropriate for the work unit and approved by the Agency Director.
10. In reviewing requests for AWS (CWS, Telework or FWS), supervisors need to consider the following:
 - a. The operational needs of the agency;
 - b. The customer service needs of the agency;
 - c. Whether there are restrictions on the nature of the work or on when and where work must be performed;
 - d. Whether the employee works with a team that would require a matching schedule of all team members;
 - e. Whether there is adequate coverage for functions handled by the employee in his/her absence without;

- f. If the request creates an undue burden for the other employees in the organizational component;
- g. Whether AWS requests are being handled equitably and fairly; and
- h. Whether management can continue to effectively monitor employee work that occurs outside the supervisor's regular schedule or the regular work site.

B. Types of Alternative Work Schedules

1. Flexible Work Schedule (FWS)

The basic requirements for establishing a FWS shall be as follows:

- a. The Deputy Director for each administration shall establish core times for each division under their authority, during which all employees are required to be present (except during authorized lunch periods);
- b. Flexible time periods during which the employee has the option of selecting his or her starting and quitting time within established limits must be designated; however, such flexible time periods may not commence prior to 6:00 am or end after 7:00 pm.
- c. Supervisors are responsible for ensuring that each employee works or otherwise accounts for eight (8) hours per day, five (5) days per week;
- d. An employee must request a FWS, in writing, using the DCSF No. 12-04 Form and approved by the employee's immediate supervisor, manager, responsible Deputy Director, Human Capital Administrator and the Agency Director.

2. Compressed Work Schedules (CWS)

The basic requirements for establishing a CWS shall be as follows:

- a. The DDS compressed work schedule is an eighty (80) hour biweekly basic work require that is scheduled within nine (9) work days, and shall include scheduled or unscheduled leave.
- b. The compressed work schedule shall not include overtime hours.
- c. The tour of duty for each employee under a CWS program shall be defined by a fixed work schedule and may not exceed nine (9)

hours for any workday.

- d. The Deputy Director will determine the required staffing for each of the regular work days of the week and may restrict the CWS schedule for any employee to insure adequate staffing on each and every day.
- e. An employee must request a CWS, in writing, using the DCSF No. 12-04 Form and approved by the immediate supervisor, responsible Deputy Director, Human Capital Administrator and Agency Director.
- f. DDS has adopted a "5/4-9 plan" for CWS. The 5/4-9 plan is a bi-weekly plan for accruing the eighty (80) hours of scheduled work. The plan consists of four (4) nine-hour days and one (1) eight-hour day in the first week followed by four (4) nine-hour days and one (1) day off in the second week.
- g. The schedule of eight, nine and off days must be established for each employee participating in the CWS. An employee may not change the scheduled days for the eight, nine, or off time. Fluctuations in the work times of the days scheduled for eight, nine or off time is not allowed. (For example, if an employee works 8:30 am to 6:00 pm on the nine hour days, then the employee is not permitted to change the reporting or departing times of the nine hour work days to unless the employee is requesting to permanently change his or her CWS schedule, and must in such a situation, make a new request through the DCSF No. 12-04 Form).
- h. The tour of duty for compressed hours must conclude by 7:00 pm.
- i. An employee's request for the CWS schedule will be first determined by the needs of the work unit and particular work assignments of the employee, secondly by the submission date of the CWS request, and if the first two considerations are equal, then by the seniority of the employees requesting the schedule. Supervisors are responsible for insuring coverage on the off days for any employee in their work unit that is participating in a CWS.
- j. Leave deductions are taken on an hour-for-hour basis for absences on regularly scheduled work days based on the established CWS.

- k. An employee may not combine a CWS with a Telecommuting work schedule.
- l. Supervisors are responsible for ensuring that each employee on CWS works or otherwise accounts for 80 hours of regular time or approved leave time on a bi-weekly basis, per pay period.
- m. CWS are established and approved and may not be adjusted or changed without the express written approval of the supervisor and the Human Capital Administrator and the Agency Director. All changes requested will be approved or denied within 10 business days, when possible.

3. Telework/Telecommuting

The basic standards for participating in a telework schedule shall be as follows:

- a. Telework will be limited to not more than one (1) day per week, unless otherwise approved by both the Agency Director and Human Capital Administrator.
- b. All telework requests will be considered in the context of what is in the best interest of the agency.
- c. The specific day approved as a telework day must be approved by the supervisor, the Deputy Director, the Human Capital Administrator and the Agency Director. Employees can request a specific day to be their telework day however the supervisor is responsible for insuring that sufficient workers are present on-site for each day of the work week and may deny a requested day if that day already has members of the work unit working in a telework capacity. If more than one employee in a work unit request to telework on a specific day of the week the determination of who is approved for that specific day will first and foremost be based on the needs of the agency to provide adequate on-site staff on any particular day to perform any particular duties and secondly will be granted based on the timing of the submission of the request. All requests for telecommuting must be part of a scheduled tour of duty and subject to a written Telework Agreement (Attachment 1).
- d. Telework agreements require that the employee be available to report to the official duty station if needed within a 90 minute

time frame.

- e. Telework shall not be combined with a compressed work week schedule.
- f. The exercise of the telework option is always at the discretion and authority of the supervisor and the Agency Director and based on the needs of the agency. Supervisors may suspend or rescind the telework schedule of an employee at any time based on the needs of the agency. Suspending or rescinding the telework option can occur with or without advance notice.
- g. Regardless of whether it is the person's regularly scheduled day to telework, the employee is required to attend meetings or training activities in person at the agency location or any other identified location on scheduled telework days, unless the person's supervisor has approved attending remotely. The determination of the supervisor is final.
- h. Telework days are established and approved and may not be adjusted or changed without the express written approval of the supervisor and the Human Capital Administrator and the Agency Director. All changes requested will be approved or denied within 10 business days, when possible.
- i. In the event that an employee's regular telework day falls on an official DC government holiday, the telework day does not roll to another day.
- j. Failure of an employee to report to his or her regular work location during the employee's tour of duty upon rescission of the telework agreement will render the employee absent without leave. In addition, failure to return to duty at the regular work location may result in forfeiture of the employee's opportunity to engage in telework or another form of AWS in the future and, when appropriate, may also result in disciplinary action.
- k. Telework is not a substitute for sick leave, annual leave, FMLA or Paid Family Leave.
- l. Telework is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care or supervision are present in the Alternative Worksite during an employee's work hours, the employee must be able to demonstrate that they have

child or adult care available on-site during their tour of duty and that they are not providing child or adult care during their tour of duty. Telework employees may be required to provide proof of their child care or elder care arrangements on days that they request to telework.

- m. Employees and supervisors must observe all pertinent time and attendance, leave, and pay regulations when an employee participates in the Telework Program. Overtime, compensatory time, and exempt time-off are to be approved, in advance, using applicable procedures. All pay, leave, and travel authorizations will be based on the employee's Official Duty Station.
- n. An employee must be accessible by DC government phone and DC government email during their regular tour of duty as identified in the Telework Agreement or, in the event of a declared emergency, for such hours required by the agency to promote continuity of critical operations.
- o. Telework employees are not allowed to use their personal email or personal telephone number for DC government business when teleworking.
- p. Telework employees are required to provide their own secure internet connection when teleworking. In the event that the employee experiences a lack of internet connection, the employee is expected to report for duty at the DDS work site or any other site approved by the supervisor.
- q. To the extent that there is a conflict between or among provisions on telework in the terms of any collective bargaining agreement ("CBA"), D.C. Personnel Regulations, the E-DPM, and/or this Guide, the provisions of the CBA shall control for employees covered by the CBA. To the extent that there is a conflict between or among provisions on teleworking in the terms of the Telework Agreement and this policy, the provisions of the Telework Agreement shall control. To the extent that there is a conflict between or among provisions on telecommuting in the terms of the Telework Agreement and D.C. Personnel Regulations, the provisions of the D.C. Personnel Regulations shall control.
- r. The supervisor for each employee participating in the Telework Program must certify time and attendance to ensure that all

employees are paid for work performed and account for any absence from scheduled tours of duty. Employees must personally certify their hours worked in a telework status by following the time and attendance policies and procedures.

- s. When the Agency Director releases employees early from work for non-emergency reasons, teleworkers will likewise be excused from duty.
- t. When the Agency Director announces early dismissal of employees in the event of declared emergency or situations where the regular work site is not accessible, a teleworker may be required to depart the office and continue to work through the end of the scheduled tour of duty from a telework site. If an emergency situation occurs at the teleworker's telework site prohibiting the teleworking employee from performing work assignments, the teleworking employee is required to report the situation as soon as possible to his or her immediate supervisor and may be required to report to the regular work site to continue their duties.
- u. Employees are expected to use their DC government issued laptop computer when teleworking. Teleworking employees may choose to use their home computers if a lap top computer is not available or inoperable but cannot store official DC government work on their home computer. Work products must be sent via encrypted email or transferred via an approved DC government storage method which may include but is not limited to use of a cloud based storage or physical storage device.
- v. The agency will not be liable for damages to an employee's personal or real property including their home computer during the course of the performance of official duties or while agency equipment is in use at the employee's residence, except to the extent that the agency is held liable by a court of law.
- w. Employees using DC government property at an alternate work location (telework site) may be held liable for damage to the equipment.
- x. The Agency must have reasonable assurances that the teleworking employee's alternate worksite meets acceptable standards of safety and security. Employees will be required to provide access by DC government to their work site for the purpose of inspecting the site to determine that it meets

acceptable levels of safety and security.

- y. With at least 48 hours advance notice, the employee's telework site may be inspected for the sole purpose of ensuring that the telework site satisfies the safety and security standards of this policy and the terms of the Telecommuting Work Agreement.
 - i. Except in the event of an emergency, these inspections will normally be conducted by the agency's information technology staff or by the Telecommuting Program Coordinator.
 - ii. None of the agency's information technology staff, Human Capital Administrator, or any other agency employee shall be allowed to conduct an on-site review of any area not designated as the worksite by the Telecommuting employee.
 - iii. If a telecommuting employee is in a position represented by a labor organization, the employee may request that a labor representative accompany the information technology staff member or the Telecommuting Program Coordinator, to the telecommuting site.
- z. Telework sites that are found to not meet the security and safety standards of the agency will be documented and the employee's telework agreement will be immediately suspended pending the resolution of any deficiencies. If the deficiencies are not corrected the telework agreement will be terminated. Resolution of the deficiencies is the determination of the Telework Coordinator with input from the supervisor and IT program manager.

4. Termination of CWS and Telecommuting

1. The Agency Director has the right to suspend any CWS or Telework agreement at any time when the needs of the agency warrant the action. At least ten business days of advance notice will be provided whenever possible. The suspension of CWS or Telework schedule will not exceed 90 calendar days. Following the suspension the Agency Director will consider re-instating the CWS to the previous level, reinstating the CWS in a modified format or terminating the CWS altogether.
2. An employee working a CWS who receives an official performance rating of "*Unsatisfactory*" or "*Need Improvement*" may be returned to

his or her regular tour of duty if the supervisor determines that the employee's performance has been adversely impacted by the CWS.

3. Employees may appeal a CWS termination directly to the Agency Director. Suspension and modifications of a CWS is not appealable.
4. An employee's participation in CWS or telework may be rescinded (terminated) by the Agency Director whenever it is determined that the employee has failed to accomplish the work as prescribed, or for any other reasons within the discretion of the Agency Director.
5. Any alternative work schedule agreements other than a regular tour of duty will be automatically rescinded during a time period that the employee is on a Performance Improvement Plan (PIP).
6. When practical, the employee should be given at least one week prior written notice of a rescission (termination) of their telework agreement. Suspension of the telework agreement can occur at any time without notice based on the needs of the agency.
7. Upon rescission (termination) of the telework agreement, the employee will return to a regular tour of duty excluding prior approvals for CWS.



Andrew P. Reese, Interim Director



Date